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6 Attorneys for Jan Alan Lindsey

7  
8 UNITED STATES DISTRICT COURT  
9  
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,

11 Plaintiff,  
12 vs.

13 JAN ALAN LINDSEY,

14 Defendant.

15 2:09-cr-077-JCM-PAL

**STIPULATION TO CONTINUE  
TRIAL DATES**  
(Fourth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden,  
17 United States Attorney, and J. Gregory Damm, Assistant United States Attorney, counsel for the  
18 United States of America; and Franny A. Forsman, Federal Public Defender, and Shari L. Kaufman,  
19 Assistant Federal Public Defender, Counsel for JAN ALAN LINDSEY, that the calendar call  
20 scheduled for January 20, 2010, at the hour of 1:30 p.m., and trial currently scheduled for January  
21 25, 2010, at the hour of 9:00 a.m., be vacated and set to a date and time to be set by the court, but  
22 no event earlier than thirty (30) days.

23 This Stipulation is entered into for the following reasons:

- 24 1. That the parties are involved in negotiations which will obviate the need for  
trial in this matter. Additional time is requested to finalize the plea agreement.
- 25 2. The defendant is not incarcerated and does not object to the continuance.
- 26 3. The parties agree to the continuance.
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- 28 .

1           4. The additional time requested by this Stipulation is excludable in computing  
2 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
3 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),  
4 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and  
5 3161(h)(7)(B)(iv).

6           This is the fourth request for continuance filed herein.

7           DATED this 22<sup>nd</sup> day of January, 2010.

8           FRANNY A. FORSMAN  
9           Federal Public Defender

DANIEL G. BOGDEN  
United States Attorney

10          By /s/ Shari L. Kaufman  
11          SHARI L. KAUFMAN  
12          Assistant Federal Public Defender  
13          Counsel for Defendant

14          By /s/ Eric Johnson for  
15          J. GREGORY DAMM  
16          Assistant United States Attorney  
17          Counsel for Plaintiff

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

2: 09-cr-077-JCM-PAL

5 Plaintiff,

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND ORDER**

6 vs.

7 JAN ALAN LINDSEY,

8 Defendant.

9 **FINDINGS OF FACT**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court  
11 finds that:

- 12 1. That the parties are involved in negotiations which will obviate the need for  
13 trial in this matter. Additional time is requested to finalize the plea agreement.
- 14 2. The defendant is not incarcerated and does not object to the continuance.
- 15 3. The parties agree to the continuance.
- 16 4. The additional time requested by this Stipulation is excludable in computing  
17 the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,  
18 United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A),  
19 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(I) and  
20 3161(h)(7)(B)(iv).

21 This is the fourth request for continuance filed herein.

22 For all of the above-stated reasons, the ends of justice would best be served by a  
23 continuance of the trial dates.

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1                           **CONCLUSIONS OF LAW**

2                           The ends of justice served by granting said continuance outweigh the best interest of the  
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be likely  
4 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity  
5 within which to be able to effectively and thoroughly prepare for trial, taking into account the  
6 exercise of due diligence.

7                           The continuance sought herein is excludable under the Speedy Trial Act, title 18, United  
8 States Code, Section 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, §§ 3161 (h)(7)(A),  
9 when the considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and  
10 3161(h)(7)(B)(iv).

11                           **ORDER**

12                           IT IS THEREFORE ORDERED that trial briefs, proposed voir dire questions, proposed jury  
13 instructions, and a list of the Government's prospective witnesses must be electronically filed to the  
14 Court by the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the hour of 4:00 p.m.

15                           IT IS FURTHER ORDERED that the calendar call scheduled for January 20, 2010, at the  
16 hour of 1:30 p.m.; be vacated and continued to \_\_\_\_\_ and the  
17 trial currently scheduled for January 25, 2010, at the hour of 9:00 a.m., be vacated and continued to  
18 \_\_\_\_\_.

19                           DATED \_\_\_\_\_ day of January, 2010.

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21                           **UNITED STATES DISTRICT JUDGE**

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